

Remarks

Claims 1-7 are presently pending. Claims 1-7 have been rejected.

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a). The Examiner asserts that the drawings must show every feature of the invention specified in the claims. The Examiner contends that the pair of straps, as set forth in claim 5, must be shown or the feature cancelled from the claims, and that no new matter should be entered. The Examiner states that a proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application, and that the objection to the drawings will not be held in abeyance.

A sheet containing Figure 6 is enclosed and has been added to the drawings. As required, Figure 6 illustrates the third embodiment of the portable armrest that is described from page 10, line 25 to page 11, line 9 of the specification and recited in claim 5. Hence, the Examiner's objection has been obviated. The drawings now fully comply with the requirements of 37 C.F.R. § 1.83(a).

Reconsideration and withdrawal of the objection are respectfully requested.

The Examiner has rejected claims 1-3, 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over either U.S. Patent No. 5,505,412 to Van Hamme ("Van Hamme") or U.S. Patent No. US 6,578,914 B2 to Artsvelyan ("Artsvelyan"), in view of U.S. Patent No. 2,617,473 to Krimstock et al. ("Krimstock"). The Examiner maintains that both Van Hamme and Artsvelyan depict portable armrests for use with a chair. The Examiner asserts that the portable armrests are releasably secured to the arm of the chair by either opposed block type L-shaped members or a pair of straps that may be buckled together. In addition, the Examiner contends that Krimstock teaches the use of a flexible one-piece member 30 that is used to releasably mount a tray to an armrest of a chair. The Examiner maintains that the bracket is U-shaped and includes a top portion, lateral side portions and inwardly extending lips 32 which serve to grip the armrest. The Examiner concludes that in view of this suggestion, it would have been obvious to one of ordinary skill in the art to utilize such a securing means for the portable armrests of Van Hamme and Artsvelyan to provide a simpler, less costly and easier to mount arm support. The Examiner also states that it would have been obvious to one of ordinary skill in the art to utilize a pair of such brackets for stability purposes. With regard to claims 6 and 7, the Examiner asserts that the normal use of the above structure would appear to encompass the method steps as set forth.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

In general, three basic criteria must be satisfied in order to establish a prima facie case of obviousness (M.P.E.P. § 706.02(j)). First, the reference or combination of references must teach or suggest all of the claim limitations. Second, there must be a reasonable expectation of success. Third, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The rejection fails to satisfy the first criterion of a prima facie showing of obviousness. Neither the combination of Van Hamme and Krimstock nor the combination of Artsvelyan and Krimstock suggests all of the limitations of the portable armrest defined by claim 1 or the method of using a portable armrest defined by claim 6. With regard to claim 1, there is no suggestion in any of the three references of a portable armrest comprising a pair of substantially U-shaped brackets that each has a) a top surface that is rigidly attached to the lower surface of a base and b) flexible side portions that extend vertically downward from a bottom surface of an upper portion thereof. As the Examiner acknowledges, neither the wheel chair arm board of Van Hamme nor the armrest cushion of Artsvelyan

discloses a U-shaped bracket at all. Instead, Van Hamme teaches L-shaped members 30 and 32 and Artsvelyan provides straps 207 and 209 and buckles 211 and 213.

The addition of Krimstock to either of these references fails to cure this deficiency. Initially, it is noted that Krimstock does not teach an armrest at all. Instead, a tray 24 "is pivotally secured...to a wall 28 of a sleeve adapted to slide over either chair arm 16. The sleeve includes side walls 30 and a split or two-part bottom wall 32." (col. 1, lines 35-39) It is apparent that the sleeve that anchors the tray of Krimstock and each of the U-shaped brackets recited in claim 1 are structurally different in significant ways. First and foremost, the wall 28 is not rigidly attached to the chair arms 16. Rather, the "top and side walls are bent inwardly to provide reinforcing corner ribs and to provide flat surfaces 34 which...engage, and slide against the corresponding surfaces of the chair arms 16." (col. 1, lines 39-43) The wall 28 is thus unlike the top surface of each claimed U-shaped bracket. Furthermore, in contrast to each of the U-shaped brackets recited in claim 1, the sleeve described in Krimstock does not have flexible side portions that extend vertically downward from a bottom surface of an upper portion thereof. Instead, the sleeve is continuous and the side wall 30 is merely a portion thereof. The configuration of each claimed U-shaped bracket provides greater support than the sleeve of Krimstock, and is

consequently preferable thereto. Therefore, the disclosures of either combination of references do not render obvious the invention defined by claim 1.

Concerning claim 6, none of the references suggests attaching a portable armrest to an arm of a chair by engaging a lower surface of the arm of the chair with lips extending from a lower portion of side portions of the brackets by flexing and separating the side portions by pressing the portable armrest vertically downward against an upper surface of the arm of the chair, and moving the side portions downward alongside longitudinal sides of the chair.

Claim 7 depends directly from claim 6 and therefore contains all of its limitations. Consequently, claims 1-3, 6 and 7 are patentably distinct from each of the cited combinations of references.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection of claims 1-3, 6 and 7 under 35 U.S.C. § 103(a), and enter the allowance thereof.

The Examiner has rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to claims 1-3 above, and further in view of U.S. Patent No. 5,700,053 to Downing ("Downing") and U.S. Patent No. 3,515,429 to Bollinger ("Bollinger"). The Examiner

contends that since such is shown to be conventional by both Downing and Bollinger, it would have been well within the level of skill in the art to utilize strap means to further attach the armrests of Van Hamme or Artsvelyan to the chair to provide further securement for the portable armrest. The Examiner states that whether one or two straps are utilized is considered a matter of design choice, as both are old and well known means of attachment.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

The rejection fails to satisfy the first criterion of a prima facie showing of obviousness. Even the hypothetical combination of the prior art as applied to claims 1-3, Downing and Bollinger does not suggest all of the limitations of the portable armrest defined by claim 1. As discussed previously, neither the combination of Van Hamme and Krimstock nor the combination of Artsvelyan and Krimstock renders obvious the invention of claim 1. The addition of Downing and Bollinger to either of these combinations fails to cure this deficiency since neither suggests a portable armrest comprising a pair of substantially U-shaped brackets that each has a) a top surface that is rigidly attached to the lower surface of a base and b) flexible side portions that extend vertically downward from a bottom surface of an upper portion thereof. Indeed, neither Downing nor Bollinger

provides a bracket of any type. Rather, the cushioning and protection apparatus of Downing employs an attachment assembly 24 that includes a hook and loop fastener. The wheelchair tray attachment of Bollinger uses connecting straps 20. Claims 4 and 5 depend indirectly from claim 1 and therefore contain all of its limitations. Consequently, claims 4 and 5 are patentably distinct from each of the cited combinations of references.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection of claims 4 and 5 under 35 U.S.C. § 103(a), and enter the allowance thereof.

In view of the foregoing amendments and remarks, reconsideration and allowance of the pending claims are respectfully solicited. Please remove the objection to the drawings, the rejection of claims 1-3, 6 and 7 under 35 U.S.C. § 103(a) and the rejection of claims 4 and 5 under 35 U.S.C. § 103(a), and enter the allowance of pending claims 1-7. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted, *Reg. No. 53,120*

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